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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/446,296	05/18/2001	Steven Holmes	GIL-4-BJ18	2128

21611 7590 07/01/2005

SNELL & WILMER LLP  
1920 MAIN STREET  
SUITE 1200  
IRVINE, CA 92614-7230

EXAMINER
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YENKE, BRIAN P

ART UNIT	PAPER NUMBER
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2614

DATE MAILED: 07/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/446,296

Applicant(s)

HOLMES ET AL.

Examiner

BRIAN P. YENKE

Art Unit

2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 22 April 2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

1. Applicant's arguments filed 22 April 2005 have been fully considered but they are not persuasive.

#### ***Applicant's Arguments***

a) Applicant states that what the examiner refers to as AAPA in the applicant's specification is under the section heading "description of the preferred embodiments", the applicant also states that Figure 7 is not Prior Art.

#### ***Examiner's Response***

a) The examiner would like the applicant to clarify with respect to page 9, line 12, which states that "This process is conventionally known as culling" In addition to the description of Figure 7 (page 17, line 22) which states "The process of "culling" is illustrated in Figure 7. Thus based upon the applicant's own admission that such a process is conventional (i.e. well-known) the examiner maintains the rejection.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4 and 7-9 are rejected under 35 U.S.C. 102(b) as being anticipated by applicant's admitted prior art (AAPA).

In considering claims 1-4 and 7-9,  
*a-b) the claimed receiver...*as disclosed by AAPA Page 8, line 27 to page 9 line 12,  
where the process of parts of sections of objects including but not exclusively the  
foreground CGO, the background and the broadcast background which when resolved  
onto the screen co-ordinate screen and the nominal user position, or are within the  
screen dimensions but further away from the screen and the nominal user position, or  
are within the screen dimensions but further away from the screen than some other  
object are not displayed. Thus the conventional method receives a signal (i.e. video  
frames) defining a background and control parameters and monitors the position of the  
foreground with respect to the background. As disclosed in applicant's specification,  
the process of culling is conventional, where this process is also illustrated in Figure 7.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all  
obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 5-6, 10 and 12 are rejected under 35 U.S.C. 103(a) as being  
unpatentable over AAPA.

In considering claims 5-6, 10 and 12,

AAPA does not explicitly recite selecting one of a plurality of datastreams from  
the broadcast signal.

The receipt of broadcast signals which can include a plurality of datastreams is conventional in the art, where broadcasters can send embedded data/virtual channels/or additional information relating to the broadcast where the user can select the desired stream. Thus the examiner takes "OFFICIAL NOTICE" regarding such a feature.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify AAPA which discloses the receipt of broadcast signals along with the generated of a foreground image by also allowing the viewer to select a desired stream from the broadcast channel when multiple streams are present, in order to provide the user an enhanced viewing experience.

In considering claim 11,

The claims pertain to receiving a broadcast signal, however the claim is directed to what the broadcast signal includes, thus the examiner is rejecting the claim on a conventional broadcast system as disclosed in the applicant's specification. If the applicant desires to claim how the signal is transmitted/broadcast and what the signal includes, the claims should be amended, assuming the specification supports the claimed subject matter.

### ***Conclusion***

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure—see newly cited references on attached form PTO-892.

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian Yenke whose telephone number is (571)272-7359. The examiner work schedule is Monday-Thursday, 0730-1830 hrs.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's Supervisor, John W. Miller, can be reached at (571)272-7352.

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

**or faxed to:**

**(571)-273-8300**

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703)305-HELP.

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800-PTO-9199 or 703-308-HELP

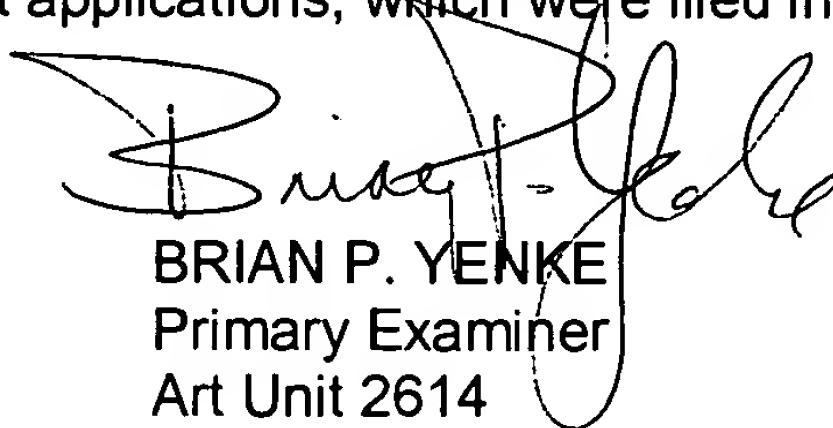
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BRIAN P. YENKE  
Primary Examiner  
Art Unit 2614



B.P.Y.  
27 June 2005